

**HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

LPA No.1642 of 2016 (O&M)

Date of Decision: 29.08.2018

Union of India & Ors.

...Appellants

VS.

Piara Singh

... Respondent

**Coram : Hon'ble Mr.Justice Surya Kant
Hon'ble Mr.Justice Sudip Ahluwalia**

Present: Mr. Vivek Singla, Advocate for the appellants

Mr. Amrindra Pratap Singh, Advocate for the respondent

SURYA KANT J. (Oral)

(1) Union of India along with Controller General of Defence Accounts, Allahabad etc. have preferred this Letters Patent Appeal against the order dated 02.06.2016 whereby their application taking a preliminary objection regarding maintainability of the writ petition has been rejected by learned Single Judge.

(2) The preliminary objection taken by Union of India before the learned Single Judge was to the effect that the High Court has got no jurisdiction to entertain the writ petition as the dispute involved in the case constitutes "service matter" within the meaning of Section 3(o) of the Armed Forces Tribunal Act hence the jurisdiction to adjudicate such dispute lies with the Armed Forces Tribunal. Learned Single Judge rejected the preliminary objection, as according to him, the dispute regarding 'special family pension' was maintainable before this Court.

(3) During the course of hearing, learned counsel for the respondent (writ petitioner) submits that for the expeditious disposal of the dispute, he wants to approach the Armed Forces Tribunal, Regional Bench, Chandigarh

and has no objection if the order passed by learned Single Judge is set aside and the writ petition filed by him is transferred to the Armed Forces Tribunal, Regional Bench, Chandigarh.

(4) Counsel for the appellant-Union of India has no objection to the submission made by counsel for the respondent-writ petitioner.

(5) In this view of the matter, the appeal is allowed; the order dated 02.06.2016 passed by learned Single Judge is set aside and the Registry is directed to transfer the record of CWP No.8554 of 2015 to the Armed Forces Tribunal, Regional Bench, Chandigarh.

(6) Since the matter remained pending in the High Court for three years and the respondent-writ petitioner is a senior citizen of more than 80 years, we request the Tribunal to decide the matter expeditiously.

(7) Parties are directed to appear before the Tribunal on 15.10.2018.

(8) The appellants (Union of India & others) shall file their written statement before the Tribunal on the date fixed.

(9) Ordered accordingly.

(Surya Kant)
Judge

29.08.2018

vishal shonkar

(Sudip Ahluwalia)
Judge

1. *Whether speaking/reasoned?*

Yes

2. *Whether reportable?*

No